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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

SANDISK CORPORATION,	)	
	)	
Plaintiff,	)	Case No. C 07-03618 JF
	)	
vs.	)	Honorable Jeremy Fogel
	)	
LUCENT TECHNOLOGIES INC. and	)	
ALCATEL-LUCENT, S.A.,	)	
	)	
Defendants.	)	

**DECLARATION OF WILLIAM C. MERCER IN SUPPORT OF DEFENDANTS'  
OPPOSITION TO SANDISK'S MOTION FOR SUMMARY JUDGMENT**

I, William C. Mercer, declare as follows:

1. I am an attorney in the law firm of Kirkland & Ellis LLP, counsel for defendants Lucent Technologies Inc. and Alcatel-Lucent, S.A. If called to testify as a witness, I could and would competently testify to the truth of each statement herein.
2. Attached hereto as Exhibit A is a true and correct copy of a letter from June M. Sulovski of Alcatel-Lucent to Dr. Eli Harari of SanDisk dated May 11, 2007.
3. Attached hereto as Exhibit B is a true and correct copy of a series of e-mails between Ivan Chaperot of Alcatel-Lucent and in-house counsel for SanDisk dated June 4, 2007 through June 12, 2007.
4. Attached hereto as Exhibit C is a true and correct copy of the Special Verdict Form in Case No. 02CV2060-B(CAB) (consolidated with Case No. 03CV0699B(CAB) and Case No. 03CV1108-B(CAB) (S.D. Cal.)), dated February 22, 2007.
5. Attached hereto as Exhibit D is a true and correct copy of the Order On Microsoft's Motions For Judgment As A Matter Of Law And New Trial And Lucent's Motion To Alter Or Amend The Judgment Regarding U.S. Patent Nos. 5,341,457 And RE 39,080 in Case No.

02CV2060-B(CAB) (consolidated with Case No. 03CV0699B(CAB) and Case No. 03CV1108-B(CAB) (S.D. Cal.)), dated August 6, 2007.

6. Attached hereto as Exhibit E is a true and correct copy of the Amended And Superceding Partial Judgment Regarding U.S. Patent Nos. 5,341,457 And RE 39,080 Only Following Summary Judgment, Jury Trial And Post-Trial Motions in Case No. 02CV2060-B(CAB) (consolidated with Case No. 03CV0699B(CAB) and Case No. 03CV1108-B(CAB) (S.D. Cal.)), dated August 6, 2007.

7. Attached hereto as Exhibit F is a true and correct copy of the Order And Partial Judgment Under FRCP 54(b) Regarding U.S. Patent Nos. 5,341,457 And RE 39,080 Only Following Summary Judgment And Jury Trial in Case No. 02CV2060-B(CAB) (consolidated with Case No. 03CV0699B(CAB) and Case No. 03CV1108-B(CAB) (S.D. Cal.)), dated April 30, 2007.

8. Attached hereto as Exhibit G is a true and correct copy of the Docketing Statement filed by Lucent Technologies Inc. in Appeal No. 2007-1456 (Fed. Cir.), dated September 25, 2007.

9. Attached hereto as Exhibit H is a true and correct copy of the Docketing Statement filed by Microsoft Corporation in Appeal No. 2007-1456 (Fed. Cir.), dated September 25, 2007.

10. Attached hereto as Exhibit I is a true and correct copy of the Declaration of Dr. Nikil Jayant.

11. Attached hereto as Exhibit J is a true and correct copy of U.S. Patent No. RE 39,080 ("the '080 patent").

12. Attached hereto as Exhibit K is a true and correct copy of U.S. Patent No. 5,341,457 ("the '457 patent").

13. Attached hereto as Exhibit L is a true and correct copy of the Declaration of Eric Bone submitted in support of SanDisk's summary-judgment motion..

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2 I declare under penalty of perjury under the laws of the United States that the foregoing is  
3 true and correct and that this declaration was executed on this 9th day of November 2007 at  
4 Brookfield, Connecticut.

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6 By: /s/ William C. Mercer

7 William C. Mercer  
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